



## U. S. ENVIRONMENTAL PROTECTION AGENCY NOTICE OF AWARD

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### RECIPIENT NAME AND ADDRESS:

James H. Fyke, Commissioner  
TN Dept of Environment and Conservation  
401 Church Street  
Nashville, TN 37243

2P-95423809-0

☒ Assistance Agreement

☐ Assistance Amendment

☐ Increase

☐ Decrease

☐ Time Extension

☐ Administrative

Enclosed are two copies of an Assistance Agreement from the U.S. Environmental Protection Agency.

To accept this Notice of Award, please carefully review any terms and conditions, sign<sup>1</sup>, and return one original copy to the following address within 21 days<sup>2</sup> of the mailing date on the Assistance Agreement:

U.S. ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
GRANTS MANAGEMENT OFFICE  
61 FORSYTH STREET, SW  
ATLANTA, GA 30303

ATTN: Shevella Wilson

The other original should be retained for your official records and copies distributed within your organization as needed. Please note, funds will not be available for draw until we receive your countersigned affirmation of the award.

To assist you with your post award management responsibilities, please see "*Reporting Forms and Guidance for Administration of Your Assistance Agreement<sup>3</sup>*." This document contains important post-award reporting requirements and instructions on how to receive payments. To view this and other EPA grant-related information, visit our Region 4 Grants Office website at:

[www.epa.gov/region4/grants/](http://www.epa.gov/region4/grants/)

Please reference the EPA Assistance Number on all future correspondence regarding this Assistance Agreement. If you have any questions, you may contact the Grants Specialist identified above at

(404)562-8414 or [Wilson.shevella@epa.gov](mailto:Wilson.shevella@epa.gov)

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<sup>1</sup> Must be signed by authorized representative as shown on the Affirmation of Award signature block or formally authorized delegate.


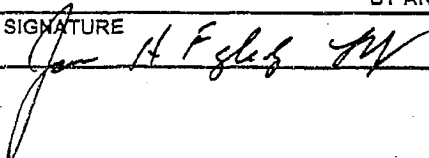
<sup>2</sup> Failure to countersign and return within 21 days of the mailing date may result in withdrawal of this award.

<sup>3</sup> Please contact your Grant Specialist if you need a paper copy of this document.

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U.S. Environmental Protection Agency  
Region 4  
Grants Management Office

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	<b>U.S. ENVIRONMENTAL PROTECTION AGENCY</b>  <b>Grant Agreement</b>		ASSISTANCE ID NO.		DATE OF AWARD 07/14/2009	
			PRG	DOC ID		AMEND#
			2P - 95423809 - 0			MAILING DATE 07/15/2009
			TYPE OF ACTION New			
PAYMENT METHOD: ASAP			ACH# 40105			
RECIPIENT TYPE: State			Send Payment Request to: Las Vegas Finance Center			
RECIPIENT:			PAYEE:			
TN Dept of Environment and Conservation 401 Church Street Nashville, TN 37243 EIN: 62-6001445			TN Dept of Environment and Conservation 401 Church Street Nashville, TN 37243			
PROJECT MANAGER		EPA PROJECT OFFICER		EPA GRANT SPECIALIST		
Garland Wiggins 401 Church Street Nashville, TN 37243 E-Mail: garland.wiggins@tn.gov Phone: 615/532-0633		Christine McKay 61 Forsyth Street Atlanta, GA 30303-8960 E-Mail: mckay.christine@epa.gov Phone: 404-562-9412		Shevella Wilson Grants Management Office E-Mail: wilson.shevella@epa.gov Phone: 404-562-8414		
PROJECT TITLE AND DESCRIPTION Water Quality Management Planning						
<p>This award agreement supports water quality management planning activities that are authorized under the Clean Water Act and the American Recovery and Reinvestment Act of 2009. The State of Tennessee will use project funds to update its Erosion/Sediment Control Manual and to perform a mercury deposition and selenium fish tissue study. The State is providing 40% pass-through funds to three regional planning organizations. Funds will be used to help communities develop plans that lead to the implementation of green infrastructure stormwater controls and promote economic recovery by retaining jobs.</p>						
BUDGET PERIOD 04/01/2009 - 09/30/2011		PROJECT PERIOD 04/01/2009 - 09/30/2011		TOTAL BUDGET PERIOD COST \$575,100.00		
				TOTAL PROJECT PERIOD COST \$575,100.00		
<b>NOTICE OF AWARD</b>						
<p>Based on your application dated 04/07/2009, including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA), hereby awards \$458,806. EPA agrees to cost-share 79.78% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$458,806. Such award may be terminated by EPA without further cause if the recipient fails to provide timely affirmation of the award by signing under the Affirmation of Award section and returning all pages of this agreement to the Grants Management Office listed below within 21 days after receipt, or any extension of time, as may be granted by EPA. This agreement is subject to applicable EPA statutory provisions. The applicable regulatory provisions are 40 CFR Chapter 1, Subchapter B, and all terms and conditions of this agreement and any attachments.</p>						
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)			AWARD APPROVAL OFFICE			
ORGANIZATION / ADDRESS			ORGANIZATION / ADDRESS			
61 Forsyth Street Atlanta, GA 30303-8960			U.S. EPA, Region 4 Water Protection Division 1200 Pennsylvania Ave, NW Washington, DC 20460			
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY						
SIGNATURE OF AWARD OFFICIAL Digital signature applied by EPA Award Official		TYPED NAME AND TITLE Elaine Curles, Grants Management Officer		DATE 07/14/2009		
<b>AFFIRMATION OF AWARD</b>						
BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION						
SIGNATURE 		TYPED NAME AND TITLE James H. Fyke, Commissioner		DATE 7/24/09		

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FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$	\$ 458,806	\$ 458,806
EPA In-Kind Amount	\$	\$	\$ 0
Unexpended Prior Year Balance	\$	\$	\$ 0
Other Federal Funds	\$	\$	\$ 0
Recipient Contribution	\$	\$	\$ 0
State Contribution	\$	\$	\$ 0
Local Contribution	\$	\$	\$ 0
Other Contribution	\$	\$	\$ 0
Allowable Project Cost	\$ 0	\$ 458,806	\$ 458,806

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.454 - Water Quality Management Planning	American Recovery and Reinvestment Act of 2009 Clean Water Act: Sec. 205(j) Clean Water Act: Sec. 604(b)	40 CFR PTS 31 & 35 SUBPT A

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
-	0904VXS012	0910	E2S	04V8	202B80ECB	4111	09CB	-	458,806
									458,806

## Budget Summary Page

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$0
2. Fringe Benefits	\$0
3. Travel	\$0
4. Equipment	\$0
5. Supplies	\$0
6. Contractual	\$0
7. Construction	\$0
8. Other	\$575,100
9. Total Direct Charges	\$575,100
10. Indirect Costs: 0.00% Base	\$0
11. Total (Share: Recipient 20.22 % Federal 79.78 %.)	\$575,100
12. Total Approved Assistance Amount	\$458,806
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$458,806
15. Total EPA Amount Awarded To Date	\$458,806

## **Administrative Conditions**

### **1. ADVANCE METHOD OF PAYMENT**

In accordance with EPA regulations, the recipient is authorized to receive advance payments under this agreement, provided that the recipient takes action to minimize the time elapsing between the transfer of funds from EPA and the disbursement of those funds.

### **2. DRUG-FREE WORKPLACE CERTIFICATION FOR ALL EPA RECIPIENTS**

The recipient organization of this EPA assistance agreement must make an ongoing, good faith effort to maintain a drug-free workplace pursuant to the specific requirements set forth in Title 40 CFR 36.200 - 36.230. Additionally, in accordance with these regulations, the recipient organization must identify all known workplaces under its federal awards, and keep this information on file during the performance of the award.

Those recipients who are individuals must comply with the drug-free provisions set forth in Title 40 CFR 36.300.

The consequences for violating this condition are detailed under Title 40 CFR 36.510. Recipients can access the Code of Federal Regulations (CFR) Title 40 Part 36 at [http://www.access.gpo.gov/nara/cfr/waisidx\\_06/40cfr36\\_06.html](http://www.access.gpo.gov/nara/cfr/waisidx_06/40cfr36_06.html).

### **3. FINANCIAL REQUIREMENTS**

Under the Automated Standard Application for Payments (ASAP), the recipient initiates an electronic or voice-activated telephone payment request which is approved or rejected based on the amount of available funds authorized by EPA in the recipient's account. Approved funds are credited to the recipient organization at the financial institution identified on the recipient's ASAP enrollment application.

The recipient agrees to the following conditions in accepting this assistance agreement:

- (a) Cash draw down will be made only as actually needed for its disbursement;
- (b) The recipient will provide timely reporting of cash disbursements and balances as required;
- (c) The recipient will impose the same standards of timing and reporting on secondary recipients, if any.

Failure on the part of the recipient to comply with the above conditions may cause the undisbursed portions of the assistance agreement to be revoked and financing method changed to a reimbursable basis.

### **4. FINANCIAL STATUS REPORTS/GRANT CLOSEOUT**

#### **A) Interim Financial Status Reports (FSR)**

An Interim Financial Status Report (FSR-SF269) is to be submitted to the appropriate EPA Grants Management Office 90 days after the anniversary of the project period start date. Interim FSRs should be submitted to: EPA Grants Management Office at 61 Forsyth Street SW, Atlanta, GA 30303

#### **B) Final Financial Status Reports**

Pursuant to 40 CFR 31.41(b) and 31.50(b), EPA recipients shall submit a final Financial Status Report – also called the SF269 – to EPA's Las Vegas Finance Center (LVFC), within ninety (90) days after the expiration of the budget period end date. Assistance agreement recipients must also send Federal Cash Transaction Reports (SF-272) annually to the LVFC; the SF-272 is due 15 working days after December 31. Please note that these reports are required by EPA grant regulations (see 40 Code of Federal Regulations §31.41(c)). Completed SF269s and SF272s must be faxed to 702-798-2423 or mailed to the following address: USEPA LVFC, P.O. Box 98515, Las Vegas, NV 89193-8515. The LVFC will make adjustments, as necessary, to obligated funds after reviewing and accepting a final Financial Status Report.

#### C) Closeout

The Administrative Closeout Phase for this grant will be initiated with the submission of a "final" FSR. At that time, the recipient must submit the following forms/reports to the EPA Grants Management Office if applicable:

- Federally Owned Property Report
- An Inventory of all Property Acquired with federal funds
- Contractor's or Grantee's Invention Disclosure Report (EPA Form 3340-3)

Additionally, the recipient's Final Request for Payment should be submitted to the LVFC.

#### **5. HOTEL-MOTEL FIRE SAFETY**

Pursuant to 40 CFR 30.18, if applicable, and 15 USC 2225a, the recipient agrees to ensure that all space for conferences, meetings, conventions, or training seminars funded in whole or in part with federal funds complies with the protection and control guidelines of the Hotel and Motel Fire Safety Act (PL 101-391, as amended). Recipients may search the Hotel-Motel National Master List at <http://www.usfa.dhs.gov/applications/hotel/> to see if a property is in compliance (FEMA ID is currently not required), or to find other information about the Act.

#### **6. LOBBYING AND LITIGATION - ALL RECIPIENTS**

The chief executive officer of this recipient agency shall ensure that no grant funds awarded under this assistance agreement are used to engage in lobbying of the Federal Government or in litigation against the United States unless authorized under existing law. The recipient shall abide by its respective OMB Circular (A-21, A-87, or A-122), which prohibits the use of federal grant funds for litigation against the United States or for lobbying or other political activities.

#### **RESTRICTIONS ON LOBBYING**

The recipient agrees to comply with Title 40 CFR Part 34, *New Restrictions on Lobbying*. The recipient shall include the language of this provision in award documents for all subawards exceeding \$100,000, and require that subrecipients submit certification and disclosure forms accordingly.

In accordance with the Byrd Anti-Lobbying Amendment, any recipient who makes a prohibited expenditure under Title 40 CFR Part 34 or fails to file the required certification or lobbying forms shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such expenditure.

#### **7. MANAGEMENT FEES**

Management fees or similar charges in excess of the direct costs and approved indirect rates are not allowable. The term "management fees or similar charges" refers to expenses added to the direct costs in order to accumulate and reserve funds for ongoing business expenses, unforeseen liabilities, or for other similar costs which are not allowable under this assistance agreement. Management fees or similar charges may not be used to improve or expand the project funded under this agreement, except to the

extent authorized as a direct cost of carrying out the scope of work.

#### **8. EXTENSION OF PROJECT/BUDGET PERIOD EXPIRATION DATE (PART 31)**

If a no cost time extension is necessary to extend the period of availability of funds (budget period), the recipient must submit a written request, including a justification as to why additional time is needed and an estimated date of completion to the EPA, Grants Management Office prior to the budget/project period expiration dates. An interim FSR must be submitted along with the request which covers all expenditures and obligations to date.

#### **9. RECYCLING AND WASTE PREVENTION**

In accordance with the policies set forth in EPA Order 1000.25 and Executive Order 13423, Strengthening Federal Environmental, Energy and Transportation Management (January 24, 2007) and or 40 CFR 30.16, the recipient agrees to use recycled paper and double sided printing for all reports which are prepared as a part of this agreement and delivered to EPA. This requirement does not apply to reports prepared on forms supplied by EPA, or to Standard Forms, which are printed on recycled paper and are available through the General Services Administration.

#### **STATE AGENCIES AND POLITICAL SUBDIVISIONS**

In accordance with Section 6002 of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6962) any State agency or agency of a political subdivision of a State which is using appropriated Federal funds shall comply with the requirements set forth. Regulations issued under RCRA Section 6002 apply to any acquisition of an item where the purchase price exceeds \$10,000 or where the quantity of such items acquired in the course of the preceding fiscal year was \$10,000 or more. RCRA Section 6002 requires that preference be given in procurement programs to the purchase of specific products containing recycled materials identified in guidelines developed by EPA. These guidelines are listed in 40 CFR 247.

#### **10. REIMBURSEMENT LIMITATION**

EPA's financial obligations to the recipient are limited by the amount of federal funding awarded to date as shown on line 15 in its approved EPA budget. If the recipient incurs costs in anticipation of receiving additional funds from EPA, it does so at its own risk. **The recipient is responsible for ensuring that projects funded under this agreement avoid unnecessary delays and are completed within the EPA approved budget.**

#### **11. SINGLE AUDITS**

In accordance with OMB Circular A-133, which implements the single Audit Act, the recipient hereby agrees to obtain a single audit from an independent auditor if it expends \$500,000 or more in total Federal funds in any fiscal year. Within nine months after the end of a recipient's fiscal year or 30 days after receiving the report from the auditor, the recipient shall submit a copy of the SF-SAC and a Single Audit Report Package. **For fiscal periods 2002 to 2007 recipients are to submit hard copy to the following address:**

Federal Audit Clearinghouse  
1201 East 10<sup>th</sup> Street  
Jeffersonville, IN 47132

**For fiscal periods 2008 and beyond the recipient MUST submit a copy of the SF-SAC and a Single Audit Report Package, using the Federal Audit Clearinghouse's Internet Data Entry System. Complete information on how to accomplish the 2008 and beyond Single Audit Submissions is available on the Federal Audit Clearinghouse Web site: <http://harvester.census.gov/fac/>**

## 12. SUBAWARD POLICY

a. The recipient agrees to:

- (1) Establish all subaward agreements in writing;
- (2) Maintain primary responsibility for ensuring successful completion of the EPA-approved project (this responsibility cannot be delegated or transferred to a subrecipient);
- (3) Ensure that any subawards comply with the standards in Section 210(a)-(d) of OMB Circular A-133 and are not used to acquire commercial goods or services for the recipient;
- (4) Ensure that any subawards are awarded to eligible subrecipients and that proposed subaward costs are necessary, reasonable, and allocable;
- (5) Ensure that any subawards to 501(c)(4) organizations do not involve lobbying activities;
- (6) Monitor the performance of their recipients and ensure that they comply with all applicable regulations, statutes, and terms and conditions which flow down in the subaward;
- (7) Obtain EPA's consent before making a subaward to a foreign or international organization, or a subaward to be performed in a foreign country; and
- (8) Obtain approval from EPA for any new subaward work that is not outlined in the approved work plan in accordance with 40 CFR Parts 30.25 and 31.30, as applicable.

b. Any questions about subrecipient eligibility or other issues pertaining to subawards should be addressed to the recipient's EPA Project Officer. Additional information regarding subawards may be found at <http://www.epa.gov/ogd/guide/subaward-policy-part-2.pdf>. Guidance for distinguishing between vendor and subrecipient relationships and ensuring compliance with Section 210(a)-(d) of OMB Circular A-133 can be found at <http://www.epa.gov/ogd/guide/subawards-appendix-b.pdf> and <http://www.whitehouse.gov/omb/circulars/a133/a133.html>.

c. The recipient is responsible for selecting its subrecipients and, if applicable, for conducting subaward competitions.

## 13. SUSPENSION AND DEBARMENT

Recipient shall fully comply with Subpart C of 2 CFR Part 180 and 2 CFR Part 1532, entitled "Responsibilities of Participants Regarding Transactions (Doing Business with Other Persons)." Recipient is responsible for ensuring that any lower tier covered transaction as described in Subpart B of 2 CFR Part 180 and 2 CFR Part 1532, entitled "Covered Transactions," includes a term or condition requiring compliance with Subpart C. Recipient is responsible for further requiring the inclusion of a similar term or condition in any subsequent lower tier covered transactions. Recipient acknowledges that failing to disclose the information as required at 2 CFR 180.335 may result in the delay or negation of this assistance agreement, or pursuance of legal remedies, including suspension and debarment.

Recipient may access the Excluded Parties List System at [www.epls.gov](http://www.epls.gov). This term and condition supersedes EPA Form 5700-49, "Certification Regarding Debarment, Suspension, and Other Responsibility Matters."

## 14. TRAFFICKING VICTIM PROTECTION ACT OF 2000

To implement requirements of Section 106 of the Trafficking Victims Protection Act of 2000, as amended, the following provisions apply to this award:

a. We, as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity: (1) is determined to have violated an applicable prohibition in the Prohibition Statement below; or (2) has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in the Prohibition Statement below through conduct that is either: (a) associated with performance under this award; or (b) imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an



organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by our agency at 2 CFR part 1532. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in the Prohibition Statement below.

b. Our right to terminate unilaterally that is described in paragraph a of this award term: (1) implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and (2) is in addition to all other remedies for noncompliance that are available to us under this award.

c. You must include the requirements of the Prohibition Statement below in any subaward you make to a private entity.

Prohibition Statement - You as the recipient, your employees, subrecipients under this award, and subrecipients' employees may not engage in severe forms of trafficking in persons during the period of time that the award is in effect; procure a commercial sex act during the period of time that the award is in effect; or use forced labor in the performance of the award or subawards under the award.

## **15. CERTIFICATIONS**

Prior to obligating funds for a particular project, recipient must (a) provide a certification from the Governor or Chief Environmental Executive, as appropriate, stating that (1) the infrastructure investment has received the full review and vetting required by law, and (2) the Governor or Chief Environmental Executive accepts responsibility that the infrastructure investment is an appropriate use of taxpayer dollars; and (b) ensure that the certification is posted on a website and linked to [www.recovery.gov](http://www.recovery.gov). The certification shall include a description of the investment, the estimated total cost, and the amount of awarded funds to be used. For the purposes of this term and condition, "obligating funds" means entering into a contract requiring payment for specified goods or services or entering into a loan, reserving funds for a loan guarantee or bond issuance, or making a subaward (subgrant) of financial assistance.

## **16. SECTION 1512 REPORTING AND REGISTRATION REQUIREMENTS**

### **Reporting and Registration Requirements under Section 1512 of the American Recovery and Reinvestment Act of 2009, Public Law 111-5**

- (a) This award requires the recipient to complete projects or activities which are funded under the American Recovery and Reinvestment Act of 2009 ("Recovery Act") and to report on use of Recovery Act funds provided through this award. Information from these reports will be made available to the public.
- (b) The initial report is due by October 10, 2009. Thereafter, the reports are due no later than ten calendar days after each calendar quarter in which the recipient receives the assistance award funded in whole or in part by the Recovery Act.
- (c) Recipients and their first-tier recipients must maintain current registrations in the Central Contractor Registration ([www.ccr.gov](http://www.ccr.gov)) at all times during which they have active federal awards funded with Recovery Act funds. A Dun and Bradstreet Data Universal Numbering System (DUNS) Number ([www.dnb.com](http://www.dnb.com)) is one of the requirements for registration in the Central Contractor Registration.
- (d) The recipient shall report the information described in section 1512(c) using the reporting instructions and data elements that will be provided online at [www.FederalReporting.gov](http://www.FederalReporting.gov) and ensure that any information that is pre-filled is corrected or updated as needed.

## **17. INSPECTOR GENERAL REVIEWS**

In addition to the access to records provisions of 2 CFR 215.53 or 40 CFR 31.42, and in accordance with the provisions of section 1515 of the American Recovery and Reinvestment Act of 2009 (ARRA), recipient agrees to allow any appropriate representative of the Office of Inspector General to (1) examine any records of the recipient, any of its procurement contractors and subcontractors or subgrantees, or any State or local agency administering such contract, that pertain to, and involve transactions relating to, the procurement contract, subcontract, grant or subgrant; and (2) interview any officer or employee of the recipient, subcontractor, grantee, subgrantee, or agency regarding such transactions.

The Grantee is advised that providing false, fictitious or misleading information with respect to the receipt and disbursement of EPA grant funds may result in criminal, civil or administrative fines and/or penalties.

Recipient should be aware that the findings of any review, along with any audits, conducted by an inspector general of a Federal department or executive Agency and concerning funds awarded under ARRA shall be posted on the inspector general's website and linked to [www.recovery.gov](http://www.recovery.gov), except that information that is protected from disclosure under sections 552 and 552a of title 5, United States Code may be redacted from the posted version.

## **18. PROTECTION OF WHISTLEBLOWERS**

In accordance with section 1553 of the American Recovery and Reinvestment Act of 2009 (Act), recipient agrees that employees of non-Federal employer receiving covered funds may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing, including a disclosure made in the ordinary course of an employee's duties, to the Recovery Accountability and Transparency Board, an inspector general, the Comptroller General, a member of Congress, a State or Federal regulatory or law enforcement Agency, a person with supervisory authority over the employee, a court or grand jury, the head of a Federal agency, or their representatives, information that the employee reasonably believes is evidence of (1) gross mismanagement of an agency contract or grant relating to grant funds; (2) a gross waste of covered funds; (3) a substantial and specific danger to public health or safety related to implementation or use of grant funds; (4) an abuse of authority related to implementation or use of covered funds; or (5) a violation of law, rule, or regulation related to a grant awarded or issued relating to covered funds.

**19. FALSE CLAIM** The grantee, and its sub-grantees must promptly refer to EPA's Inspector General any credible evidence that a principal, employee, agent, sub-grantee contractor, subcontractor, loan recipient, or other person has submitted a false claim under the False Claims Act or has committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving funds provided under this grant or sub-grants awarded by the grantee.

## **20. PREFERENCE FOR QUICK-START ACTIVITIES**

The recipient agrees to issue assistance agreements requiring assistance recipients to enter into contracts or begin construction by February 17, 2010. The recipient further agrees to certify in writing, not later than March 1, 2010, that projects funded under this American Recovery and Reinvestment Act of 2009 (ARRA) grant have met the requirements to enter into contracts or begin construction by February 17, 2010.

## **21. LIMIT ON FUNDS**

Recipient shall not use funds for particular activities for any casino or other gambling establishment, aquarium, zoo, golf course, or swimming pool.

## **22. Transparency and Accountability – Single Audit Information for Recipients of Recovery Act Funds**

### **Recovery Act Transactions listed in Schedule of Expenditures of Federal Awards and Recipient Responsibilities for Informing Sub-recipients**

(a) To maximize the transparency and accountability of funds authorized under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5)(Recovery Act) as required by Congress and in accordance with 2 CFR 215, subpart \_\_\_\_ 21 "Uniform Administrative Requirements for Grants and Agreements" and OMB A-102 Common Rules provisions, recipients agree to maintain records that identify adequately the source and application of Recovery Act funds.

(b) For recipients covered by the Single Audit Act Amendments of 1996 and OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations," recipients agree to separately identify the

expenditures for Federal awards under the Recovery Act on the Schedule of Expenditures of Federal Awards (SEFA) and the Data Collection Form (SF-SAC) required by OMB Circular A-133. This shall be accomplished by identifying expenditures for Federal awards made under Recovery Act separately on the SEFA, and as separate rows under Item 9 of Part III on the SF-SAC by CFDA number, and inclusion of the prefix "ARRA-" in identifying the name of the Federal program on the SEFA and as the first characters in Item 9d of Part III on the SF-SAC.

(c) Recipients agree to separately identify to each sub-recipient, and document at the time of sub-award and at the time of disbursement of funds, the Federal award number, CFDA number, and amount of Recovery Act funds. When a recipient awards Recovery Act funds for an existing program, the information furnished to sub-recipients shall distinguish the sub-awards of incremental Recovery Act funds from regular sub-awards under the existing program.

(d) Recipients agree to require their sub-recipients to include on their SEFA information to specifically identify Recovery Act funding similar to the requirements for the recipient SEFA described above. This information is needed to allow the recipient to properly monitor sub-recipient expenditure of ARRA funds as well as oversight by the Federal awarding agencies, Offices of Inspector General and the Government Accountability Office.

### **23. PAYMENT TO CONSULTANTS**

EPA participation in the salary rate (excluding overhead) paid to individual consultants retained by recipients or by a recipient's contractors or subcontractors shall be limited to the maximum daily rate for a Level IV of the Executive Schedule (formerly GS-18), to be adjusted annually. This limit applies to consultation services of designated individuals with specialized skills who are paid at a daily or hourly rate. As of January 1, 2009, the limit is \$587.20 per day and \$73.40 per hour. This rate does not include transportation and subsistence costs for travel performed (the recipient will pay these in accordance with their normal travel reimbursement practices).

Subagreements with firms for services which are awarded using the procurement requirements in 40 CFR 30 or 31, as applicable, are not affected by this limitation unless the terms of the contract provide the recipient with responsibility for the selection, direction, and control of the individuals who will be providing services under the contract at an hourly or daily rate of compensation. See 40 CFR 31.36(j) or 30.27(b).

### **24. OMB GUIDANCE**

This award is subject to all applicable provisions of implementing guidance for the American Recovery and Reinvestment Act of 2009 issued by the United States Office of Management and Budget, including the Initial Implementing Guidance for the American Recovery and Reinvestment Act (M-09-10) issued on February 18, 2009 and available on [www.recovery.gov](http://www.recovery.gov), and any subsequent guidance documents issued by OMB.

### **25. ADDITIONAL FUNDING DISTRIBUTION AND ASSURANCE OF APPROPRIATE USE OF FUNDS**

Not later than 45 days after the enactment of ARRA and prior to receiving funds, Recipient must affirm that either (1) the State Governor has certified that the State will request and use funds provided by the Act and the funds will be used to create jobs and promote economic growth, or (2) if funds are not accepted for use by the Governor of the State, the State legislature has accepted the funds by means of adopting a concurrent resolution. After a State legislature's concurrent resolution, funding within the State shall be distributed to local governments, councils of government, public entities, and public-private entities within the State either by formula or at the State's discretion.

26. The Grantee is advised that providing false, fictitious or misleading information with respect to the receipt and disbursement of EPA grant funds may result in criminal, civil or administrative fines and/or penalties.

### **27. UTILIZATION OF SMALL, MINORITY AND WOMEN'S BUSINESS ENTERPRISES**

#### **GENERAL COMPLIANCE , 40 CFR, Part 33**

The recipient agrees to comply with the requirements of EPA's Program for Utilization of Minority and Women's Business Enterprises (MBE/WBE) in procurement under assistance agreements, contained in 40 CFR, Part 33.

#### **FAIR SHARE OBJECTIVES , 40 CFR, Part 33, Subpart D**

A recipient must negotiate with the appropriate EPA award official, or his/her designee, Fair share objectives for MBE and WBE participation in procurement under the financial assistance agreement.

##### **Current Fair Share Objective /Goal**

The dollar amount of this assistance agreement is \$250,000, or more; or the total dollar amount of all of the recipient's non-TAG assistance agreements from EPA in the current fiscal year is \$250,000, or more. The STATE OF TENNESSEE has negotiated the following, applicable MBE/WBE fair share objectives/goals with EPA as follows:

MBE: CONSTRUCTION 2.60%; SUPPLIES 5.20%; SERVICES 5.20%; EQUIPMENT 5.20%  
WBE: CONSTRUCTION 2.60%; SUPPLIES 5.20%; SERVICES 5.20%; EQUIPMENT 5.20%

##### **Negotiating Fair Share Objectives /Goals, 40 CFR, Section 33.404**

If the recipient has not yet negotiated its MBE/WBE fair share objectives/goals, the recipient agrees to submit proposed MBE/WBE objectives/goals based on an availability analysis, or disparity study, of qualified MBEs and WBEs in their relevant geographic buying market for construction, services, supplies and equipment.

The recipient agrees to submit proposed fair share objectives/goals, together with the supporting availability analysis or disparity study, to the Regional MBE/WBE Coordinator within 120 days of its acceptance of the financial assistance award. EPA will respond to the proposed fair share objective/goals within 30 days of receiving the submission. If proposed fair share objective/goals are not received within the 120 day time frame, the recipient may not expend its EPA funds for procurements until the proposed fair share objective/goals are submitted.

#### **SIX GOOD FAITH EFFORTS , 40 CFR, Part 33, Subpart C**

Pursuant to 40 CFR, Section 33.301, the recipient agrees to make the following good faith efforts whenever procuring construction, equipment, services and supplies under an EPA financial assistance agreement, and to require that sub-recipients, loan recipients, and prime contractors also comply. Records documenting compliance with the six good faith efforts shall be retained :

(a) Require Disadvantaged Business Enterprises (DBEs) are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. For Indian Tribal, State, and local government recipients, this will include placing DBEs on solicitation lists and soliciting them whenever they are potential sources.

(b) Make information on forthcoming opportunities available to DBEs and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by DBEs in the competitive process. This includes, whenever possible, posting solicitations for bids or proposals for a minimum of 30 calendar days before the bid or proposal closing date.

(c) Consider in the contracting process whether firms competing for large contracts could subcontract with DBEs. For Indian Tribal, State and local government recipients, this will include dividing total requirements when economically feasible into smaller tasks or quantities to permit maximum participation by DBEs in the competitive process.

(d) Encourage contracting with a consortium of DBEs when a contract is too large for one of these firms to handle individually.

(e) Use the services and assistance of the Small Business Administration and the Minority Business Development Agency of the Department of Commerce in finding DBEs.

(f) If the prime contractor awards subcontracts, require the prime contractor to take the steps in paragraphs (a) through (e) of this section.

**MBE/WBE REPORTING, 40 CFR, Part 33, Sections 33.502 and 33.503**

The recipient agrees to complete and submit EPA Form 5700-52A, "MBE/WBE Utilization Under Federal Grants, Cooperative Agreements and Interagency Agreements" beginning with the Federal fiscal year reporting period the recipient receives the award, and continuing until the project is completed. Only procurements with certified MBE /WBEs are counted toward a recipient's MBE /WBE accomplishments. The reports must be submitted semiannually for the periods ending March 31<sup>st</sup> and September 30<sup>th</sup> for:

Recipients of financial assistance agreements that capitalize revolving loan programs (CWSRF, DWSRF, Brownfields); and

All other recipients not identified as annual reporters (40 CFR Part 30 and 40 CFR Part 35, Subpart A and Subpart B recipients are annual reporters).

The reports are due within 30 days of the end of the semiannual reporting periods (April 30<sup>th</sup> and October 30<sup>th</sup>). Reports should be sent to :

EPA Grants Management Office  
61 Forsyth Street SW  
Atlanta, GA 30303

Final MBE/WBE reports must be submitted within 90 days after the project period of the grant ends. Your grant cannot be officially closed without all MBE /WBE reports.

EPA Form 5700-52A may be obtained from the EPA Office of Small Business Program's Home Page on the Internet at [www.epa.gov/osbp](http://www.epa.gov/osbp).

**CONTRACT ADMINISTRATION PROVISIONS, 40 CFR, Section 33.302**

The recipient agrees to comply with the contract administration provisions of 40 CFR, Section 33.302.

**BIDDERS LIST, 40 CFR, Section 33.501(b) and (c)**

Recipients of a Continuing Environmental Program Grant or other annual reporting grant, agree to create and maintain a bidders list. Recipients of an EPA financial assistance agreement to capitalize a revolving loan fund also agree to require entities receiving identified loans to create and maintain a bidders list if the recipient of the loan is subject to, or chooses to follow, competitive bidding requirements. Please see 40 CFR, Section 33.501 (b) and (c) for specific requirements and exemptions.

28. This project receives funding under the American Recovery and Reinvestment Act of 2009 (ARRA) and the grantee, sub-grantee or loan recipient must display the ARRA Logo in a manner that informs the public that the project is an ARRA investment. The ARRA logo may be obtained from the EPA grants office listed in this award document. If the EPA logo is displayed along with the ARRA logo and logos of other participating entities, the EPA logo must not be displayed in a manner that implies that EPA itself is conducting the project. Instead, the EPA logo must be accompanied with a statement indicating that the grantee, sub-grantee or loan recipient received financial assistance from EPA for the project.

29. Recipients and subrecipients of Recovery Act funds or other Federal financial assistance must comply with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and a variety of program-specific statutes with nondiscrimination requirements.

Other civil rights laws may impose additional requirements on recipients and subrecipients. These laws include, but are not limited to, Title VII of the Civil Rights Act of 1964 (prohibiting race, color, national origin, religion, and sex discrimination in employment), the Americans with Disabilities Act (prohibiting disability discrimination in employment and in services provided by State and local governments, businesses, and non-profit agencies), and the Fair Housing Act (prohibiting race, color, national origin, age, family status, and disability discrimination in housing), as well as any other applicable civil rights laws.

For questions about these civil rights obligations, please call the EPA's Office of Civil Rights at 202-564-7272 or contact us via e-mail: <http://www.epa.gov/civilrights/comments.htm>.

### **Programmatic Conditions**

1. The Tennessee Division of Water Pollution Control shall report quarterly to EPA on the uses of funds, including detailed information on all projects or activities funded under the grant, and detailed information on subawards made to regional public comprehensive planning organizations (RPCPOs), interstate organizations (IOs), or any other type of subrecipients. The Tennessee Division of Water Pollution Control is responsible for reporting on the activities of all subrecipients. The quarterly report will include all of the data elements listed in Section 1512(c) of the ARRA, in a format consistent with the Office of Management and Budget's SF-PPR-Recovery form. In addition, the Tennessee Division of Water Pollution Control will report on additional program-specific data elements, such as the amount of funds passed through to RPCPOs/IOs. The Tennessee Division of Water Pollution Controls will provide the quarterly reporting information in an electronic format, as directed by the EPA Project Officer.

2. The Tennessee Division of Water Pollution Control agrees to commit all ARRA 604(b) funds to projects by February 17, 2010. The Tennessee Division of Water Pollution Control further agrees to certify in writing, not later than March 1, 2010, that projects funded under this grant have begun implementation and that funding has been committed in an amount equal to the full value of this grant by February 17, 2010.

3. The Tennessee Division of Water Pollution Control agrees to expedite their expenditures of ARRA 604(b) funds, by entering into contracts within 6 months whenever possible, and to give a further preference to projects that can be started and completed expeditiously, including a goal of using at least 50 percent of the funds for projects that can be initiated not later than June 17, 2009.

#### **4. QUALITY ASSURANCE REQUIREMENT**

To comply with 40 CFR 31.45 and 30.54, the recipient agrees to submit a Quality Assurance Project Plan (QAPP) for review and approval by the Region 4 Quality Assurance Manager and the EPA Project Officer, prior to beginning data collection activities related to the Mercury Deposition and Selenium Fish Tissue Study (including modeling).

5. The Tennessee Division of Water Pollution Control agrees that the activities to be performed under the grant by the Tennessee Division of Water Pollution Control and by any pass-through subrecipients will likely:

- (i) deliver programmatic and environmental results,
- (ii) achieve economic stimulus by maximizing the number of jobs created or saved in relation to the Federal dollars obligated,
- (iii) achieve long-term public benefits by investing in environmental protection that will provide long-term economic benefits, and,

(iv) satisfy the Recovery Act's transparency and accountability objectives .



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### Learning Approvals

✓ Your transaction has been processed. Table below shows the new status.

Enrollment and Waitlisted Confirmed	Team Member	Type	Name	Price Per Seat	Status
	Jeremy Bruker	Activity	Harassment Intake/Referral Process	0 USD	Enrolled
	Jeremy Bruker	Activity	How to Navigate On-line Courses in Edison	0 USD	Enrolled
	Ryan Davis	Activity	Building Cohesive Teams	0 USD	Enrolled

[Return To Previous Page](#)

- TN Enhancements
  - Employee Self-Service
  - Manager Self Service
  - Time Management
  - Job and Personal Information
  - Learning and Development
  - Team Learning
- Team Members
  - Search Catalog
  - Browse Catalog
  - Team Learning
  - Certification Status
  - Team Learning Objectives
  - Supplemental Learning
  - Performance Management
  - Travel and Expense Center
- HCM
  - FSCM
  - Edison Support Information
  - Edison Documents
  - Edison Information
  - Edison Training Info
  - Enterprise Learning
  - My Content
  - Worklist
  - HCM Reporting Tools
  - ELM Reporting Tools
  - FSCM Reporting Tools
  - Fleet Focus (opens new window)
  - OHC Log In
  - Change My Password
  - My Personalizations





## U. S. ENVIRONMENTAL PROTECTION AGENCY NOTICE OF AWARD

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### RECIPIENT NAME AND ADDRESS:

James H. Fyke, Commissioner  
TN Dept of Environment and Conservation  
401 Church Street  
Nashville, TN 37243

2P-95423809-1

DEPT OF ENVIRONMENT  
& CONSERVATION  
NASHVILLE, TN  
JUN 25 PM 1:38

RECEIVED

☐ Assistance Agreement

☒ Assistance Amendment

☒ Increase

☐ Decrease

☐ Time Extension

☐ Administrative

Enclosed are two copies of an Assistance Agreement from the U.S. Environmental Protection Agency.

To accept this Notice of Award, please carefully review any terms and conditions, sign<sup>1</sup>, and return one original copy to the following address within 21 days<sup>2</sup> of the mailing date on the Assistance Agreement:

U.S. ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
GRANTS MANAGEMENT OFFICE  
61 FORSYTH STREET, SW  
ATLANTA, GA 30303

ATTN: Shevella Wilson

The other original should be retained for your official records and copies distributed within your organization as needed. Please note, funds will not be available for draw until we receive your countersigned affirmation of the award.

To assist you with your post award management responsibilities, please see "*Reporting Forms and Guidance for Administration of Your Assistance Agreement*".<sup>3</sup> This document contains important post-award reporting requirements and instructions on how to receive payments. To view this and other EPA grant-related information, visit our Region 4 Grants Office website at:

[www.epa.gov/region4/grants/](http://www.epa.gov/region4/grants/)

Please reference the EPA Assistance Number on all future correspondence regarding this Assistance Agreement. If you have any questions, you may contact the Grants Specialist identified above at

(404)562-8414 or [Wilson.shevella@epa.gov](mailto:Wilson.shevella@epa.gov)

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<sup>1</sup> Must be signed by authorized representative as shown on the Affirmation of Award signature block or formally authorized delegate.

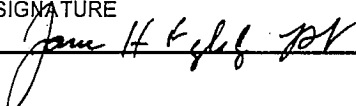
<sup>2</sup> Failure to countersign and return within 21 days of the mailing date may result in withdrawal of this award.

<sup>3</sup> Please contact your Grant Specialist if you need a paper copy of this document.

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U.S. Environmental Protection Agency  
Region 4  
Grants Management Office

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	<b>U.S. ENVIRONMENTAL PROTECTION AGENCY</b>  <b>Assistance Amendment</b>		ASSISTANCE ID NO.			DATE OF AWARD 08/19/2009
			PRG	DOC ID	AMEND#	
			2P - 95423809 - 1			MAILING DATE 08/20/2009
			TYPE OF ACTION Augmentation: Increase			
PAYMENT METHOD: ASAP			ACH# 40105			
RECIPIENT TYPE: State			Send Payment Request to: Las Vegas Finance Center			
RECIPIENT:			PAYEE:			
TN Dept of Environment and Conservation 401 Church Street Nashville, TN 37243 EIN: 62-6001445			TN Dept of Environment and Conservation 401 Church Street Nashville, TN 37243			
PROJECT MANAGER		EPA PROJECT OFFICER		EPA GRANT SPECIALIST		
Garland Wiggins 401 Church Street Nashville, TN 37243 E-Mail: garland.wiggins@state.tn.us Phone: 615/532-0633		Christine McKay 61 Forsyth Street Atlanta, GA 30303-8960 E-Mail: mckay.christine@epa.gov Phone: 404-562-9412		Shevella Wilson Grants Management Office E-Mail: wilson.shevella@epa.gov Phone: 404-562-8414		
PROJECT TITLE AND EXPLANATION OF CHANGES Water Quality Management Planning						
<p>This action provides remaining funds authorized under the Clean Water Act and the American Recovery and Reinvestment Act of 2009 to the State of Tennessee. The State is providing 40% pass-through funds to three regional planning organizations. Funds will be used to help communities develop plans that lead to the implementation of green infrastructure stormwater controls and promote economic recovery by retaining jobs.</p>						
BUDGET PERIOD 04/01/2009 - 09/30/2011		PROJECT PERIOD 04/01/2009 - 09/30/2011		TOTAL BUDGET PERIOD COST \$575,100.00		TOTAL PROJECT PERIOD COST \$575,100.00
<b>NOTICE OF AWARD</b>						
<p>Based on your application dated 04/07/2009, including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA), hereby awards \$116,294. EPA agrees to cost-share 100.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$575,100. Such award may be terminated by EPA without further cause if the recipient fails to provide timely affirmation of the award by signing under the Affirmation of Award section and returning all pages of this agreement to the Grants Management Office listed below within 21 days after receipt, or any extension of time, as may be granted by EPA. This agreement is subject to applicable EPA statutory provisions. The applicable regulatory provisions are 40 CFR Chapter 1, Subchapter B, and all terms and conditions of this agreement and any attachments.</p>						
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)				AWARD APPROVAL OFFICE		
ORGANIZATION / ADDRESS				ORGANIZATION / ADDRESS		
61 Forsyth Street Atlanta, GA 30303-8960				U.S. EPA, Region 4 Water Protection Division 61 Forsyth Street SW Atlanta, GA 30303		
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY						
SIGNATURE OF AWARD OFFICIAL Digital signature applied by EPA Award Official		TYPED NAME AND TITLE Elaine Curles, Grants Management Officer			DATE 08/19/2009	
<b>AFFIRMATION OF AWARD</b>						
BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION						
SIGNATURE 		TYPED NAME AND TITLE James H. Fyke, Commissioner			DATE 8/26/09	

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FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$ 458,806	\$ 116,294	\$ 575,100
EPA In-Kind Amount	\$ 0	\$	\$ 0
Unexpended Prior Year Balance	\$ 0	\$	\$ 0
Other Federal Funds	\$ 0	\$	\$ 0
Recipient Contribution	\$ 0	\$	\$ 0
State Contribution	\$ 0	\$	\$ 0
Local Contribution	\$ 0	\$	\$ 0
Other Contribution	\$ 0	\$	\$ 0
Allowable Project Cost	\$ 458,806	\$ 116,294	\$ 575,100

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.454 - Water Quality Management Planning	American Recovery and Reinvestment Act of 2009 Clean Water Act: Sec. 205(j) Clean Water Act: Sec. 604(b)	40 CFR PTS 31 & 35 SUBPT A

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
-	0904VXS024	0910	E2S	04V8	202B80ECB	4111	09CB		116,294
									116,294

## Budget Summary Page

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$0
2. Fringe Benefits	\$0
3. Travel	\$0
4. Equipment	\$0
5. Supplies	\$0
6. Contractual	\$0
7. Construction	\$0
8. Other	\$575,100
9. Total Direct Charges	\$575,100
10. Indirect Costs: <u>0.00%</u> Base	\$0
11. Total (Share: Recipient % Federal <u>100.00</u> %.)	\$575,100
12. Total Approved Assistance Amount	\$458,806
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$116,294
15. Total EPA Amount Awarded To Date	\$575,100

**Administrative Conditions**

All Administrative Conditions Remain the Same

**Programmatic Conditions**

All Programmatic Conditions Remain the Same